**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**SIDE JURISDICTION**
**CRIMINAL APPLICATION NO.820 OF 2007**

Darasingh Vakilay Bhosale ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mrs.Sonia Miskin adv. appointed for the Applicant.
Mr.Shinde the learned APP for the Respondent/State.

**CORAM: J.H.BHATIA, J.**
**DATE : 30TH April, 2007.**

**P.C.:**

1. Heard Mr.Sonia Miskin advocate appointed for the applicant and Mr.Shinde the learned APP for the State.

2. The applicant, who is undertrial prisoner in Nashik Road Central Jail and is facing trial in Special Sessions Case No.1 of 2004 before the Special Judge, MCOC, Nashik has made this application for transfer of his case from Nashik to the Special Judge at Aurangabad on the ground that he and his relatives are resident of Aurangabad and Beed. They being from poor family, they can not attend the Court at Nashik nor he gets opportunity to meet them even when the case is fixed for trial. As per the affidavit filed by Jaysing Laxman Dabhade Sub Divisional Police Officer, Shevgaon Division, District-Ahmednagar, there is no special court

under M.C.O.C. Act at Aurangabad. However, Mr.Shinde the learned APP on telephonic instructions received from Registrar, District Court, Aurangabad makes a statement that the mistake is committed in the affidavit and infact, there is special Court for M.C.O.C. cases at Aurangabad and the said Special Court has got jurisdiction over the Aurangabad city as well as Aurangabad and Nanded regions, which means whole of Marathwada is covered within territorial jurisdiction of the Special Court at Aurangabad.

3. It is admitted that the offence is registered at Ahmednagar city and many of the witnesses are from Ahmednagar and Beed, which is in Marathwada within Aurangabad range. Distance of Ahmednagar from Nashik is almost equal to the distance between Ahmednagar and Aurangabad. Beed is closer to Aurangabad than Nashik. Taking into consideration these circumstances, prosecution has no objection, if the case against the present applicant is transferred from Nashik to Aurangabad.

4. In view of the above circumstances, in the interest of justice and the convenience, Special Sessions Case No.1 of 2004 under the M.C.O.C. Act is hereby transferred from the file of Special Judge,

M.C.O.C., Nashik to the Special Judge, M.C.O.C., Aurangabad for trial and disposal as per the law.

**(J.H.Bhatia,J.)**